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By ECF:

The Honorable Naomi Reice Buchwald United States District Court for the Southern District of New York 500 Pearl Street New York, New York 10007

Re: Moeller v. Advance Magazine Publishers Inc., Case No. 15-cv-05671-NRB (S.D.N.Y.)

Dear Judge Buchwald:

I write on behalf of Plaintiff Elizabeth Moeller ("Plaintiff") in the above-referenced action. Earlier today, Plaintiff submitted her motion for partial summary judgment, including a memorandum of law, a statement of material facts, an attorney declaration, and copies of the exhibits cited therein. Plaintiff also submitted her opposition to Defendant's motion for summary judgment. Certain of these materials contain Confidential Discovery Material as defined under the Protective Order (Doc. No. 80). This letter serves to request leave, pursuant to ¶ 8 of the Protective Order, for Plaintiff to file her memoranda of law, statement of material facts, attorney declaration, and certain exhibits under seal, with corresponding redacted versions of these documents filed on the public ECF docket the same day.

Many of the materials were designated confidential by third parties during discovery, and are governed by contractual confidentiality clauses. Therefore, the designated materials should be sealed. See Hesse v. SunGuard Sys. Int'l, 2013 WL 174403, at *2 (S.D.N.Y. Jan. 12, 2013); Agence France Presse v. Morel, 2012 WL 2130883, at *2 (S.D.N.Y. June 11, 2012). Moreover, most of Plaintiff's exhibits overlap with Defendant's exhibits. For those overlapping exhibits Plaintiff's proposed redactions mirror Defendant's proposed redactions, which the Court so-ordered. See 9/26/17 Order, Doc. No. 95. The other proposed redactions were agreed upon by counsel for the parties.

Accordingly, Plaintiff respectfully requests that the Court grant her leave to file her memoranda of law, statement of material facts, attorney declarations, and certain exhibits under seal, with corresponding redacted versions of these documents (reflecting redactions consistent with the redactions proposed in the accompany exhibits) filed on the public ECF docket the same day.

Very truly yours,

Joseph I. Marchese

CC: All counsel of record (via ECF)